



## MOSER LAW FIRM, P.C.

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Steven J. Moser, Esq.

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August 3, 2020

Hon. Steven I. Locke, USMJ  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: *De La Cruz Castaneda v. County of Suffolk*, 15-cv-00185-DRH-SIL

Dear Judge Locke:

I represent the estate of the Deceased Plaintiff in the above captioned matter. I respectfully move to withdraw as Counsel for Regina De La Cruz-Castaneda.

Local Civil Rule 1.4 states that:

An attorney who has appeared as attorney of record for a party may be relieved... only by order of the Court... Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal... and the posture of the case, including its position, if any, on the calendar, and whether or not the attorney is asserting a retaining or charging lien. All applications to withdraw must be served upon the client and (unless excused by the Court) upon all other parties.

In this District, “[i]t is well-settled that a lawyer may seek to withdraw when the client renders it unreasonably difficult for the lawyer to carry out such employment effectively.” *United States v. Lawrence Aviation Indus.*, No. 06-CV-4818, 2011 WL 601415, at \*1 (E.D.N.Y. Feb. 11, 2011) (internal quotation marks and alterations omitted). In this regard, satisfactory reasons for withdrawal include “a client’s lack of cooperation, including lack of communication with counsel.” *Naguib v. Pub. Health Solutions*, No. 12-CV-2561, 2014 WL 2002824, at \*1 (E.D.N.Y. May 15, 2014) (granting a withdrawal motion where the client refused to communicate and cooperate with counsel).

Ms. Regina De la Cruz-Castaneda died on January 9, 2018.

After Ms. De La Cruz-Castaneda passed away, my office communicated with her husband, Mr. Henry Castaneda, who was the administrator of her estate. He initially indicated

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In this District "[i]f it is well-settled that a lawyer may seek to withdraw when the client renders it unreasonably difficult for the lawyer to carry out such employment effectively." (John James v. Lawrence-Krishna Jackson, No. 06-CV-4818, 2011 WL 601412, at \*1 (E.D.N.Y. Feb. 11, 2011) (internal quotation marks and citations omitted). In this regard, satisfactory reasons for withdrawal include "a client's lack of cooperation, including lack of communication with counsel," *Wainwright v. Pub. Health Solutions*, No. 13-CV-2561, 2014 WL 2002824, at \*1 (E.D.N.Y. May 12, 2014) (granting a withdrawal motion where the client refused to communicate and cooperate with counsel).

Mrs. Regina De La Cruz-Castaneda died on January 9, 2018.

After Mrs. De La Cruz-Castaneda passed away, my office communicated with her husband, Mr. Henry Castaneda, who was the administrator of her estate. He initially indicated

an interest in being substituted for his deceased spouse in this action. Our last communication with Mr. Castaneda was in 2019.

On June 19, 2020, my office left Mr. Henry Castaneda (husband to De La Cruz-Castaneda) a voicemail. He did not return this telephone call.

On July 7, 2020, my office attempted to reach Mr. Castaneda at several different phone numbers but all were out of service.

On July 9, 2020, my legal assistant, Joshua Stickell, travelled to Mr. Castaneda's residence in hopes of speaking to him in person. Mr. Castaneda was not at home. Mr. Stickell left a letter for Mr. Castaneda asking him to contact our office immediately.

As of the date of this application, we have not received any response from Mr. Castaneda. I will not be exercising a charging lien against any recovery.

Wherefore, I respectfully request leave to withdraw as counsel for the deceased plaintiff, Regina De La Cruz Castaneda.

Respectfully submitted,



Steven John Moser

#### CERTIFICATE OF SERVICE

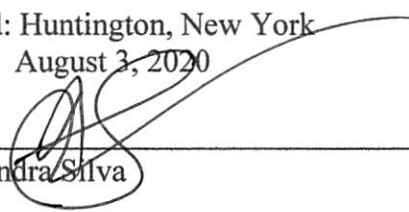
I hereby certify:

1. I am a legal records clerk with the Moser Law Firm, P.C.
2. On August 3, 2020, I served this letter motion to withdraw as counsel for Regina De La Cruz Castaneda via first class mail upon the following person(s):

Henry Castaneda  
241 Blue Point Road  
Selden, NY 11784

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Huntington, New York  
August 3, 2020



Alejandra Silva

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Respectfully submitted,

Steven John Moser

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Dated: Huntington, New York  
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Alondra Silva